



Image

2832

Atty. Dkt.:
PC-1206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Goodzeit
Serial No.: 10/067,487
Filed: 2/5/02
For: Concentric Tilted Double-Helix Dipoles and Higher-Order Multipole Magnets
Examiner: Barrera, Ramon Group: 2832 Paper No.: _____

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED: *11/10/03*

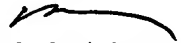
Honorable Commissioner:

I enclose the following papers:

1. ELECTION RESPONSE

Please enter the above correspondence.

Respectfully submitted,

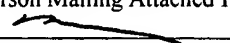

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below as First Class Mail, in an envelope addressed to the: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450.

11/10/03

Date

Brian S. Steinberger
(Name of Person Mailing Attached Papers)

(Signature of Person Mailing Attached Papers)

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ELECTION

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

November 10, 2003

Sir:

In response to the Examiner's Action mailed on October 9, 2003, Applicants wish to make their election to prosecute the invention of Group II of claims 21-38 drawn to a method of making the product, classified in class 336, subclass 188 with traverse.

Applicant further elects to prosecute the invention of Species Group XV of forming a magnet of multipole order of claims 21-25, 27 and 28-35.

Applicants agree that the inventions identified under I and II, and those listed in the species groups of I through XVIII are patentably distinct from one another. Applicants disagree with the restriction requirement for several reasons.

The Examiner separated claims 1-20 drawn to the product classified in class 336, subclass 189, and claims 21-38 drawn to a method of making the product, classified in class 336, subclass 188. The Examiner further stated the restriction is proper by concluding in that the "the product as claimed can be made by another and materially different process...." Applicants respectfully disagree that this reason should be the sole reason for providing the subject restriction requirement.

The Examiner has agreed that both inventions I and II are both searchable in class 336, and in subclasses immediately adjacent to each other. Clearly, the subject invention would not require separate search(es) in different classification areas, and instead would have overlapping searches that would best be done in one application.

A policy consideration behind a restriction requirement is that for separate inventions to exist, these inventions would require separate prior art searches, separate examinations of different nonoverlapping references, different examiners, etc. The Primary Examiner does not state that different art units and/or different examiners and/or different classifications would be required for the examination of both inventions I and II. In fact, a review of the method claims and apparatus claims of this application shows that these claims have similar features that would require similar searches and examinations. For example both independent product claim 1 and independent process/method claim 21 each claim "dipole magnet(s)" with "helical coils..." Clearly, both inventions I and II would require overlapping searches and examinations and should be done by one examiner.

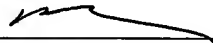
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Furthermore, Applicants respectfully requests that in order to minimize any excessive costs for filing for protection by the Applicants, that both Inventions I and II would be best examined if both inventions are searched and examined by the same examiner in one application.

Thus, forcing the Applicant to pay for and prosecute overlapping patent applications, and having different examiners conduct separate searches and separate examinations would create an undue time and financial burden on both the patent office and on the Applicant. For the above reasons, the restriction requirement is not proper and Applicant respectfully request removal of the entire restriction requirement, and allow all claims 1-38 be examined together in one application. The request of which is respectfully requested.

Respectfully Submitted;



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Date 11/10/03